IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.1668 OF 2006

Nandkumar Babulal Soni .... Petitioner

versus

Union of India & ors .... Respondents

Ms.Bhavana Shah, Advocate for Petitioner

Ms.S.D.Shinde, A.P.P. for Respondents

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 11th October, 2006

P.C.

1. Learned Advocate appearing for the petitioner submits that the petitioner has already withdrawn the brief from them and she has no instructions in the matter. It is submitted that in the trial Court, the learned counsel was discharged on this

ground.

2. Considering the nature of reliefs sought for in the petition that the search and seizure conducted by the respondent no. 6 at the shop premises of the petitioner's brother where the petitioner was also conducting his business is illegal, malafide and in violation of the fundamental rights guaranteed under the Constitution of India and that the petitioner be discharged in the offence under section 411 and 120B of the IPC for want to have any nexus between the alleged gold bars in the offence registered on 9th September, 1997 and for expediting Special Case No.37 of 2002 by directing the respondent no. 2 to first examine the names of the witnesses, the names of whom are given in the prayer clause (c), we are of the view that such reliefs cannot be granted and otherwise also, learned counsel submits that the trial must have been concluded and therefore, the petitioner has not taken any interest in following up the petition
filed before this Court.

3. As we have already expressed that such reliefs could not be granted by this Court in exercise of its writ jurisdiction, we dismiss the petition and

as such Criminal Application No. 647 of 2003

does not survive and is rejected.

(Smt R.S.Dalvi,J) **(J.N.Patel,J)**